

Florence, New Jersey 08518-2323  
August 25, 2015

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Mildred Hamilton-Wood	James Molimock
Tim Lutz	Council Representative Ted Lovenduski
Wayne Morris	Mayor Craig Wilkie
Ray Montgomery	Thomas McCue

ALSO PRESENT: Solicitor David Frank  
Engineer Hugh Dougherty  
Planner Barbara Fegley

ABSENT: William Federico

## RESOLUTIONS

- A. Resolution PB-2015-07 continuing the application of Paul Konrad for Minor Subdivision with bulk variances for property located at 1270 Emerick Avenue, Roebling until August 25, 2015.

Solicitor Frank said he would consolidate this resolution with the end of the application. It would not be voted on tonight.

- B. Resolution PB-2015-08 granting the application of Wawa, Inc. for Amended Major Site Plan approval to allow construction of a trash compactor/storage unit and dumpster for storing cardboard of property located at 2060 Route 130 North, Florence. Block 163.02, Lots 13.01, 13.02, 13.03 and 13.04.

It was the Motion of Lutz, seconded by Lovenduski to approve Resolution PB-2015-08.

Upon roll the Board voted as follows:

YEAS: Hamilton-Wood, Lutz, Molimock, Morris, Lovenduski, Wilkie,  
Montgomery, McCue

NOES: None

51.

ABSENT: Federico

#### MINUTES

It was the Motion of Morris, seconded by Lutz to approve as submitted the minutes of the Regular Meeting of May 26, 2015, the Regular Meeting of June 23, 2015 and the Closed Session of June 23, 2015. All ayes.

#### CORRESPONDENCE

- A. Compliance Review No. 1 from Engineer Gregory Valesi, C.M.E., dated July 22, 2015 regarding Liberty Venture, I. Block 155.47, Lot 12.02.
- B. Letter from Burlington County Planning Board dated August 7, 2015 regarding Cedar Lane South Industrial Park (Liberty Property), Block 155.47, Lot 12.02.
- C. 2016 Meeting Schedule for review.
- D. Compliance Review No. 2 from Engineer Kurt Otto, C.M.E. dated August 6, 2015 regarding Liberty Venture I, LP. Block 155.47, Lot 12.02.

It was the Motion of Lutz, seconded by Lovenduski to receive and file Correspondence A through D.

#### On the Motion

Mayor Wilkie noted the dates for the meetings are going to be used for the Township Calendar so everyone needs to make sure the dates are acceptable.  
All ayes.

#### APPLICATIONS

At this time Chairperson Hamilton-Wood recused herself and left the meeting due to a conflict. Vice Chair Lutz took the chair.

- A. Application PB#2015-03 for Paul Konrad. Applicant is requesting Minor Subdivision with bulk variances to subdivide Lot 9 into two (2) lots on property located at 1270 Emerick Avenue, Roebling. Block 144, Lot 9.

Vice Chair Lutz called for the applicant. Jonas Singer, attorney for the applicant, said the application was last before the Board at its June meeting. At the time the Board and the applicant found the need for supplemental information pertaining to impervious coverage. The applicant retained Jeffrey Richter to perform a study of the neighborhood. Mr. Richter is in attendance this evening to testify.

Solicitor Frank said Mr. Richter has testified before this Board and many others many times. He recommended Mr. Richter be accepted as an expert. He swore in Mr. Richter and the Board professionals.

A-4 was submitted as an exhibit. Mr. Singer asked Mr. Richter if this was a study of the neighborhood and the impervious coverage of neighboring properties. Mr. Richter said it was. To create it he used the Township Tax Map and scaled it to match up with 2012-2013 high resolution aerial photos from the State and overlaid it on the tax map. From that, based on the aerial and based on two other programs that are available on-line, he drew what was on each property based on the information collected. The information is approximate. In order to get an exact number an actual survey would need to be done. There are probably some minor errors but they are minimal. The properties in the area ranged in coverage from about 30% to about 70%. The average coverage of the lots was about 44%. Mr. Singer asked how the lots on Maple Avenue compared to those closer to Highview Avenue. Mr. Richter said the lots on Maple Avenue are bigger in size and they have less coverage. Visually it is apparent they are larger lots.

Mr. Singer asked if the method used to calculate impervious coverage would be acceptable for determining drainage. Mr. Richter said it is acceptable for reviewing drainage on a property, other than doing an actual survey for a property.

Mr. Singer said the applicant is requesting the impervious coverage for the lot with the existing improvements would be 45% and the new lot that is proposed to be built would have 33% impervious coverage. He would like to take a shed from the improved lot and put it on the proposed new lot. There would need to be a side yard variance for the new lot that is proposed. Twenty-four feet is required and the applicant is proposing 18.6'. Solicitor Frank asked if there was a rear yard setback variance required for the deck on the existing structure. Mr. Singer concurred.

Vice Chair Lutz asked if anyone would like to review what was discussed at the last meeting regarding the driveway types, and things of that nature. He asked for Solicitor Frank to review what had transpired at the last meeting. Mayor Wilkie asked if impervious coverage calculations included sidewalks. Mr. Richter said it included buildings, driveways, sidewalks, pools and the like.

Member Molimock asked if there was an aerial view showing the proposed lot with the proposed building shown. Mr. Singer said there is a survey that shows the proposed footprint.

Planner Fegley asked for clarification on the setbacks. Mr. Singer said there were changes made since the last meeting to address concerns raised by the public. The setback change was to avoid having to request a variance. It is set back a little further than the property to the right.

Solicitor Frank asked Engineer Dougherty if the methodology was reasonable to calculate the lot coverages. Engineer Dougherty said it was a reasonable approach. The aerial

photos had much better detail. He determined that generally the numbers were correct. It was appropriate that Mr. Richter scaled to the tax map. He did a fair job of lining up the aerials with the street. It is representative and provides a general feel of what the impervious coverage is. There would be a tremendous expense to actually go out and do all of the surveys. This is existing photography that was available. To actually perform field surveys there would be property access issues as well.

Member Molimock asked what the impervious coverage was for proposed lot 9A. Mr. Singer told him it will be 45% based on the survey. Engineer Dougherty said that on the plan submitted Lot 9 showed 32.2% impervious coverage with Lot 9A and Lot B combined. It takes advantage of the whole lot area. When it is cut into two lots, Lot 9A goes to 45%. The proposed new lot would be 33%.

Solicitor Frank said some of the potential conditions that were discussed were regarding the requirements for off street parking. That means there would need to be two off street parking spaces on the new lot. In addition it was discussed that the driveway was supposed to be shortened and designed in a way to actually be pervious. Member Lutz said he was under the impression it could not be shortened because of the off street parking requirements. Solicitor Frank said the discussion was to make the driveway pervious, which would require some special engineering design. There would need to be a Deed Notice that there was this special condition. It would need to be maintained as pervious to minimize the run off. Engineer Dougherty said the length was supposed to 40' and run the entire length of the house. It could be shortened.

Planner Fegley asked about impervious coverage for pools or decks and things of that nature. Solicitor Frank said the addition of any of those things would require permission from the Board.

Member Morris said looking at Lot 7, was the driveway considered 100% impervious. Mr. Richter said it was not considered impervious because it is stone. All of the other driveways on other properties were paved. Member Morris said the lot was showing a 60% impervious coverage amount. He doesn't believe it looks like it has that much. Engineer Dougherty said that the ordinance does say that stone is pervious but he feels that after it has been driven on over a period of time it becomes packed down and impervious.

It was the Motion of Lovenduski, seconded by Montgomery to open the meeting to the public regarding Application PB-2015-07.

Mike Hensley, the owner of 1291 Highview Avenue, he said that if the application is granted he is concerned with the water run-off. His property is very close and he is concerned about getting water in his basement. To this point he has not had any water issues. He also asked if there was an architectural drawing of the site available to review. He knew there was a footprint but he was under the impression there would be a rendering provided.

Solicitor Frank said there is a condition that there would be no run off to the adjoining properties. The applicant understands that he can't direct run off to other properties and that will be made a condition of approval if it is granted.

Eva Barota, 1273 Highview Avenue, inquired if a rain barrel and French drain were going to be required for the application. Engineer Dougherty said he made a recommendation to the Board in consideration to the impervious coverage variance that the Board should consider them. That would be a consideration for a condition of approval if there was an impervious driveway. Ms. Barota said no other houses in the area have those. Engineer Dougherty said the rain barrel is just to collect water from the roof. The water can be used for watering plants and things of that nature. The French drain for the driveway would be an engineering feature that would be underground. It would not be seen so it should not cause any issues. Ms. Barota asked if any other houses in the neighborhood had these drains. Engineer Dougherty explained that in roughly 2004 the NJDEP adopted stormwater standards. With those standards, they suggested the use of rain barrels as a conservation effort to recycle rain water.

Ms. Barota asked if the proposed house was going to have a basement. Engineer Dougherty did not know if there was a basement included in the house. Solicitor Frank explained that at this point that is not an issue to be discussed. That is a construction issue, this Board's concern is what is seen above ground.

Ms. Barota said she is concerned with the size of the property, it is too small. The neighborhood and the houses there are well established. A new house would look out of place, especially as tall as this one is proposed to be. She thinks the setbacks also will be out of place. She is also concerned about the drainage from the property. Vice Chair Lutz said those would be things that the applicant's engineer would address when they came in for a building permit if the application is approved. They would have to show that there would be no drainage going onto neighboring properties. Also the Board Professionals would review the grading plan prior to a permit being issued.

It was the Motion of Lovenduski, seconded by McCue to close the public hearing regarding Application PB#2015-03. All ayes.

Solicitor Frank said this is an application for a minor subdivision to create two undersized lots. This will require variances for both lots. The applicant has proposed that the shed on the developed lot would be moved to the undeveloped lot. That means there will be 45% lot coverage on the developed lot and it will also require a rear yard setback variance. The lot width is existing for both lots and they are undersized, but there shouldn't be any variances needed. With regard to the new lot, there is a side yard setback variance for the principal structure. Some conditions of approval that were discussed were parking requirements, the driveway for the new lot must be maintained as pervious surface and there needs be a deed notice that references back to the resolution. The run off cannot be directed onto adjoining properties. There was discussion regarding some measures that could be taken including French drains or rain barrels that would address the roof run off on site. He was not sure what the Board wanted to do regarding

those measures. There was testimony from the applicant's planner regarding the nature of the neighborhood and the impervious coverage in the area.

Mr. Singer said the impervious coverage on the new lot is going to be 33%. That would include an impervious driveway. The lot would be over the allowable 25% coverage by 8%. That, again, is with the impervious driveway and that is less than average for the area. He does not believe there would be an increase in run off.

Engineer Dougherty asked how that would be accomplished. There would need to be some sort of detention or underground storage system. He thinks it would be directed to the street so it would not be increasing the run off onto the property. The distinction is the direction it is sent. It would be collected by the stormwater system and taken away from the property. If it was directed to another property it would be a problem. The lot identified as 15 on the applicant's exhibit, Mr. Hensley's property, is actually upslope from the site.

Engineer Dougherty said the applicant is asking for 33% impervious coverage, but if the driveway were made pervious that percent would decrease. As a condition, the driveway could be required to be pervious. Mr. Singer said the applicant expressed to him the idea of installing concrete gutters with grass in the middle of them. He asked if that would satisfy the concerns to cut down on the impervious coverage. There would only be concrete where the tires would go. Engineer Dougherty said that is essentially playing around with impervious coverage. Right now the driveway is 10' by 40', it was cut from 10' by 67'. Even that reduction has lessened the amount of impervious to be requested. If the runners were installed the grass area between them would be pervious. But the runners are something that would be noted in the deed. If someone comes in later and wants a concrete driveway they won't be able to without permission. He said he has seen people use paver type material for filling in the grassy area.

Mayor Wilkie said he is concerned the applicant will not be able to park two vehicles off the street to lessen the impact on the neighborhood. He also noted the applicant is not permitted to direct water to someone else's property. These were the two main issues of the application that the residents seemed concerned about. Mr. Singer said it was his understanding from the last meeting that the driveway would be 44', not 40'. Engineer Dougherty said 40' would be the minimum, for parallel parking the spots are generally 22'. He concurred that Mr. Singer was correct. What was proposed was 67'. The 33% percent lot coverage was based on including a 67' driveway. Anything that is done to reduce that length reduces the lot coverage. Anything that is done to make it pervious also reduces the coverage. A 67' driveway would accommodate three cars. One would be parked alongside the house.

Mayor Wilkie said the Board has heard the residents' concerns and understands them, but the applicant has the right to build. Having the driveway will lessen the impact on the street. The drainage will have to be kept off other people's property. The height restrictions for the zone are applicable. There hasn't been a detail provided of how the house would look because it is not a development. It is a single family home and it is not

required. He doesn't know if the applicant is going to build the house or sell the lot with the approval. It is his right to do so.

Member Molimock said he would like to lessen the impact when it can be done, especially regarding impact from water runoff. That was his biggest concern. He agreed that shortening the driveway would make sense and he agrees it should be set at 44'. He asked how the runoff could be controlled, it is easy to say, but how could it be enforced. Engineer Dougherty said the French drain concept would be a stone trench with a pipe that would run alongside the property and discharge to the street. It could also be accommodated with grading. A swale could direct the water to the street. Directing the water to the street could be made a condition of the approval.

Mayor Wilkie asked about the curbing and sidewalks. Mr. Singer asked if there is any curbing or sidewalks on the street now. Vice Chair Lutz said he didn't know if there was but it is a requirement for construction now. Mr. Singer asked if there were waivers for this. Vice Chair Lutz said the only waiver is a contribution made to the Township Sidewalk Fund. Mayor Wilkie noted that there are curbs and sidewalks being installed all over town, especially in the neighborhood areas. In this case the applicant would be expected to install curbs and sidewalks. He isn't sure if there are curbs already in that area but he knows there are not sidewalks.

Mr. Singer inquired about getting approval for 33% impervious coverage, but not necessarily using it all. Vice Chair Lutz asked if Mr. Singer was proposing less impervious coverage for the driveway to compensate for coverage somewhere else. Mr. Singer said there are no additional improvements planned.

Engineer Dougherty said if a variance for the 33% impervious lot coverage was approved, the applicant would still need to return to the Board for permission to build any other structures. Solicitor Frank said he would really like to find out this evening specifically what the applicant will be able to do.

Mayor Wilkie said he would prefer the longer driveway to keep more vehicles off the street. Mr. Singer said with the driveway at 67' the lot coverage is at 33%. Mayor Wilkie asked if that was with an impervious driveway. Mr. Singer said that was correct. Mayor Wilkie said if it were a pervious driveway that coverage percentage would decrease.

Member Molimock said he would prefer to see the longer driveway to get a third car off of the road. Member Lovenduski said if the driveway were 44' there would be one car sitting out into the street. The bumper would be hanging out to the curb and potentially blocking the sidewalk. Engineer Dougherty said there is some space between the curb and the property line.

Engineer Dougherty said there was discussion regarding a French drain, but there is another option called a dry well. A pit would be dug and filled with stone. The run off would be collected in the stone. If it filled up it would just overflow into the street. It is

similar to the French drain. It could pick up some of the excess run off from the driveway and hold it in the stone pit. There does need to be maintenance to prevent silt from filling in the stones. Vice Chair Lutz asked if it would be better to have a downspout collector system where it would be directed to a collector box and then into three or four pipes and then into a stone bed. That puts the water back into the system. He thinks there would be less maintenance required because it does not go directly into a pit. The water goes through a pipe system so it is more of a timed release. Mr. Singer said he would prefer to work with the Construction Department on the issue of drainage. He will submit grading plans to show there is no water being added that would impact any neighbors. The Construction Department would be able to determine if a system needed to be installed.

Vice Chair Lutz said he was concerned about the drainage on the improved lot. Mr. Singer said it is an existing condition and there are rain barrels collecting the run off. Vice Chair Lutz said there isn't much room on the sides of the proposed house and the neighbors are concerned about the run off. Mr. Singer thinks that surface swales would be sufficient to direct the water to the street.

Mr. Singer said with respect to the driveway, having concrete runners and grass, the grass will allow the water to drain. Member Lovenduski asked if the runners and grass would be deed restricted so that no one could fill in the grass with concrete. Solicitor Frank said that could be a condition of the approval if that's a way to reduce the overall impervious surface coverage. Member Lovenduski said it would reduce the impact on Lot 17.

Member Montgomery preferred the longer driveway with the conditions that were discussed. He believes it satisfies the concerns that were raised. Vice Chair Lutz said the approval should be based on what is being requested, not negotiating what it will be. It should be per the submitted application, with the coverages being what was requested and with the variances and the conditions for a grading plan with no run off to the neighbors. Mayor Wilkie asked if it would be an impervious driveway. Vice Chair Lutz said that is what was requested. He said it would be what was requested, what was required for drainage and with the deed restrictions that were discussed. Solicitor Frank said the deed notice he spoke about was a condition that the driveway would be maintained as pervious. Vice Chair Lutz said the applicant is asking for 33% of impervious coverage. He will do with it what he wants. If he decides to do the driveway with concrete runners and grass there is still some impervious coverage allowed that he can use somewhere else. Solicitor Frank said it was possible to stipulate that any further development requires further approval of the Board. Vice Chair Lutz said if there was a way to restrict further building he would like to do so. He was asking if that was possible.

Solicitor Frank said a resolution could be drafted that included conditions that express exactly what the Board wanted to do. It can be stipulated that if the applicant wants to deviate from the submitted footprint they would have to seek approval from the Board. He will draft whatever the Board decides as a body it wants to do as a matter of policy. There are choices that need to be made that he will then put to paper.



Member Molimock said he would like to limit the footprint of the building to what was submitted on the plans. He also wants the shed to be as it was shown on the plans so neither can be changed later and would like the driveway to be runners with grass. The impervious that was presented on the plans would be decreased by putting grass on the center of the driveway.

Vice Chair Lutz said on the plans submitted the impervious coverage was at 33%. He would like language included stipulating if the impervious coverage of the driveway is decreased there is not an option to increase coverage elsewhere on the property.

Solicitor Frank said the resolution could say it is for proposed improvements in their present form, and additional or alternate development would require further review by the Board. Mayor Wilkie said the driveway cannot be bigger than what was proposed and if the percentage of impervious coverage is lessened the applicant would have to return to the Board for permission to build something else.

Solicitor Frank said he believes the conditions are that stormwater runoff be directed to the front of the property. There will need to be sidewalks installed on the frontages of Highview Avenue and Emerick Avenue. This approval concerns the proposed improvements as shown on the submitted plan only. Any additional development on either lot would require further relief from the reviewing Board. There will be no increase of run off to be directed onto adjoining properties. All usual conditions also apply.

Mayor Wilkie said the newly created lots are now independent of each other and cannot run off onto each other. Ownership may not always be the same person. Engineer Dougherty said that could be difficult. It is going to need to have an easement provided. Vice Chair Lutz asked that the easement be made part of the resolution. The drainage implementation would need to be addressed during construction.

It was the Motion of Molimock seconded by Mr. McCue to approve Application PB#2015-03 with the conditions discussed.

Upon roll call the Board voted as follows:

YEAS: Molimock, Lovenduski, Wilkie, Montgomery, McCue  
 NOES: Lutz, Morris  
 ABSENT: Federico

#### PUBLIC COMMENTS

It was the Motion of Montgomery, seconded by Lovenduski to open the meeting to the public. All ayes.

Mike Hensley, 1291 Highview Avenue, asked if the required sidewalks were part of the 33% lot coverage calculations. He was told it is not part of the calculation, it is a public right-of-way.

Ms. Barota said she was disappointed with the decision. She feels the lot is too small for what is proposed and it is too much of a variance.

It was the Motion of Lovenduski, seconded by Molimock to close the public portion. All ayes.

Mayor Wilkie said there was correspondence from the Burlington County Planning Board. It was concerning the Liberty project. He noted the "T" intersection at Railroad Avenue and Cedar Lane. A roundabout is being recommended for that intersection based on the potential for the development in the area. There have been some concerns raised. He is not very familiar with roundabouts, but this is what is being expressed by the County Planning Board.

Member Morris said the roundabouts do work. They do slow the traffic down and allow traffic to proceed. He recommends the roundabout.

Engineer Dougherty said they are highly recommended for low-volume traffic. There is a roundabout in Cinnaminson near Route 130 that is an example of one that works well.

It was the Motion of Montgomery, seconded by Morris to adjourn at 8:50 p.m. All ayes.

WM/ak

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Wayne Morris, Secretary